

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

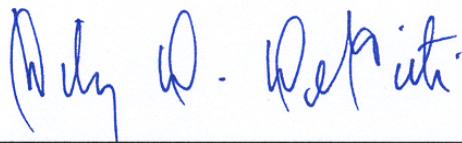
OLAN WAYNE BOYDSTON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-14-816-D
	)	
CITY OF SPENCER, OKLAHOMA,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

In response to Defendants' Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6), Plaintiff has filed an amended complaint, as permitted by Fed. R. Civ. P. 15(a)(1)(B). The amendment supersedes Plaintiff's original pleading and renders it of no legal effect. *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991); *see also Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007). Thus, Defendants' Motion directed at the original complaint is moot, and the Motion will be denied without prejudice to refiling, if appropriate, in response to Plaintiff's amended pleading.

IT IS THEREFORE ORDERED that Defendants' Motion to Dismiss [Doc. No. 7] is DENIED, as set forth herein.

IT IS SO ORDERED this 14<sup>th</sup> day of November, 2014.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE